

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

1

Ag85A

1
Ag 85A

THE BUREAU OF ANIMAL INDUSTRY.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 12, 1890.

HON. AARON T. BLISS,
*Committee on Agriculture,
House of Representatives :*

SIR: In compliance with your request of the 9th instant for an explanation of the reasons for the passage of House Bill 7984, amending the act for the establishment of a Bureau of Animal Industry, I have the honor to submit the following statement:

The amendments proposed in the bill under consideration are such as have been found desirable by the experience obtained from six years work under the act establishing the Bureau of Animal Industry. The organic act makes it the duty of the Bureau:

1. To collect such information and make such reports upon the condition, the protection, and the use of the domestic animals of the United States as shall be valuable to the agricultural and commercial interests of the country. (Section 1.)

2. To inquire into and report upon the causes of contagious, infectious, and communicable diseases among the domestic animals of the United States. (Section 1.)

3. To examine and report upon the best methods of treating, transporting, and caring for animals. (Section 2.)

4. To examine and report upon the means to be adopted for the suppression and extirpation of contagious pleuro-pneumonia and to provide against the spread of other dangerous, contagious, infectious, and communicable diseases. (Section 2.)

5. To co-operate with the executive authorities of the several States and Territories in such disinfection and quarantine measures as may be necessary to prevent the spread of any contagious, infectious, or communicable disease from one State or Territory into another. (Section 3.)

6. To make special investigations as to the existence of any contagious, infectious, or communicable disease along the dividing lines between the United States and foreign countries, and along the lines of

transportation from all parts of the United States to ports to which live stock is exported. (Section 4.)

7. To notify in writing the proper officials or agents of any railroad, steam-boat, or other transportation company doing business through any infected locality, and to publish in certain newspapers the existence of such contagion. (Section 7.)

It will be seen from this recapitulation that the duties of the Bureau are numerous and involve great responsibility, and that they require expert investigations to be carried on continually in several different lines and extending over all parts of the country.

In addition to these duties enumerated in the organic act, the appropriation act for three years has placed upon the Bureau the work of purchasing and destroying cattle affected with or exposed to contagious pleuro-pneumonia and of maintaining such quarantine measures as are necessary to prevent the spread of this disease from one State into another.

To prevent the absolute waste of money used for purchasing diseased and exposed cattle, it is necessary to make continuous inspections of the infected district and to control the movement of cattle in such a way as will lead to the extermination of the contagion. The complete eradication of pleuro-pneumonia is the object which the people of this country supposed was intended when this appropriation clause was enacted, and it is the object which the Bureau has striven to accomplish with all the power at its command. The work, however, has not progressed as rapidly as those interested in the live-stock industry expected, and there are continual and emphatic demands made upon the Department to expedite this work. The reason why it has not progressed more rapidly are chiefly found in the insufficient and indefinite authority under which it has been conducted up to the present time. In the report made to Congress each year the difficulties and obstacles met with have been referred to with more or less detail, but it seems proper at this time to repeat these statements in connection with the proposed amendments in order that your committee may have a succinct review of the reasons for the passage of the amendatory bill.

Returning to the work as a whole, it will be seen from the above that the Bureau of Animal Industry is expected to deal with all the questions affecting the prosperity of the animal industry of the nation; that is to say, with collecting and furnishing information in regard to the condition, needs, and best methods of conducting the industry in all its branches, and with the investigation, elucidation, prevention, and eradication of the diseases affecting the domestic animals. The interests affected by this work are enormous and for that reason it should be thoroughly and promptly done. The following table from the last report of the statistician shows the magnitude of the industry involved and needs no comments to emphasize the responsibility which devolves upon this bureau in relation to it:

TABLE

	Number.	Value.
Horses and mules.....	16, 544, 864	\$1, 160, 910, 661
Cattle	52, 801, 907	913, 777, 270
Sheep.....	44, 336, 072	100, 659, 761
Swine.....	51, 602, 780	249, 418, 336
Total	165, 285, 623	2, 418, 766, 028

It is well known that the existence of pleuro-pneumonia in the country furnished the reason for the British restrictions, which require all cattle from the United States to be killed upon the docks within ten days after landing. It is estimated that these restrictions cause our steers to sell for from \$10 to \$15 per head less than cattle of the same quality which are exported from Canada, since they must be sold at once and without the opportunity of being held for a better market or until they have recovered from the effects of the voyage. As during the year 1889 there were exported 329,271 head of cattle, the direct loss, accepting the minimum figures mentioned, would amount to \$3,290,000.

It is certain, however, that the increased receipt of \$10 per head for export cattle would react upon prices here and materially increase the value of every steer sold. If we admit an increase of only \$5 per head, and take the number of steers marketed annually as 6,000,000 head, we find that not less than \$30,000,000 would be added to the annual earnings of our farmers. In addition to this the value of the whole stock of cattle held in the country would be enhanced, and this with 50,000,000 animals would amount to an enormous aggregate. There is probably, therefore, no other way in which more can be done for the prosperity of agriculture than to hasten the eradication of this disease and secure the removal of the British restrictions. And the removal of these restrictions would do even more than is indicated above, for it would at once enable our farmers to supply the English and Scotch demand for store cattle, a trade which is now impossible. Already the British feeders are agitating the question of allowing our store cattle admission, and nothing but the existence of pleuro-pneumonia in a small section of our territory delays the accomplishment of this object.

The work of the Bureau of Animal Industry during the last three years has been, considering the conditions under which it was performed, exceedingly successful. Pleuro-pneumonia has been eradicated from the Western States and from New Jersey, Pennsylvania, and Maryland in the East. The State of New York had the largest extent of territory infected, and the disease there has been eradicated from no less than five counties; but it still exists in the counties of Kings and Queens on Long Island, where the stables, pens, and pastures were saturated with the contagion, where the people were hostile to the work of eradication, and where the local courts have failed to sustain our officers. These difficulties have been set forth in the annual reports made to Congress in regard to the work of the bureau and more

particularly in the report which was made to the Congress now in session. The obstacles met with on Long Island are of a more serious nature than have been encountered elsewhere, and, unless more definite authority is given to enforce the necessary sanitary measures for the eradication of the disease, the success of the work is by no means assured and at best will be greatly delayed.

With these general remarks as to objects in view, the amendments will now be considered in detail.

The amendment proposed for section 1 makes three changes. The most important of these removes the limit as to the number of persons who can be employed in the bureau at any one time, and allows the Secretary of Agriculture to employ as many persons as may be necessary to carry out the purposes of the act. The original act limits the number of employés to twenty, but this limitation is removed for the current year, so far as concerns the force engaged in the pleuro-pneumonia work. Twenty people are, however, entirely inadequate to perform the other duties which devolve upon the bureau. The scientific researches alone would require this number of employés, if only the more important diseases were investigated, and if all the demands for information on this subject were complied with.

The collection of information in regard to the animal industry and the means of improving it has been extremely imperfect and unsatisfactory to the country, because a sufficient number of persons could not be employed. From March 1 to December 1 of each year it is necessary to enforce certain regulations in regard to the movement of cattle in order to guard against the spread of Texas fever. Heretofore the individual States have prevented this disease by prohibiting the entrance of southern cattle during the warm season of the year. These local restrictions have unnecessarily obstructed trade and caused a great deal of loss to the industry, which is avoided by national control. It is now found that the trade in southern cattle can go on without obstruction by providing special yards for them and requiring the cleaning and disinfection of cars.

This work was inaugurated last year, and although it was a great improvement on State control, it was imperfect because a sufficient number of employés was not allowed to see that the regulations were enforced. The same difficulty is again met this year, and although the present appropriation is ample, a large sum must be left unexpended, because, on account of this limitation, it can not be used. The proper control of the traffic in cattle liable to disseminate Texas fever would alone require more men than are allowed for all the purposes of the bureau. It is believed, therefore, that your committee will appreciate the necessity for the change.

The second change covered by the first section provides that the information on the animal industries of the country gathered by the bureau and the result of the scientific investigations shall be published

by the bureau in special reports, whenever the same is deemed advisable. To be of much value to the country such information should be given promptly to the farmers while it is fresh and interesting. Unless this is done the value of this work is reduced to a minimum. To illustrate: The system of publishing the work of the bureau has been heretofore by annual reports. These reports have required special acts of appropriation by Congress. The work of the bureau done in the year 1887 and 1888, on account of reasons beyond our control, did not come from the Public Printing Office until February, 1890, so that the country was given the results of the work two or three years after the same had been gathered.

The publication of the information gathered by the bureau for the year 1889 has not yet been provided for by Congress, and it is more than probable that a year may elapse before this material can be given to the people. For these reasons it is believed advisable, and that the committee will agree, that the bureau should be authorized to publish from time to time in special reports or bulletins the information which it collects, and which, to be of most benefit to the people, should be immediately distributed. In this way only can the objects for which the bureau was established be properly and completely accomplished.

The third change in the first section merely provides that the chief of the bureau is to enforce the rules and regulations prepared by the Secretary of Agriculture under section 3. Under the present act it is not made the duty of any person to carry out these rules unless specially directed by the Secretary, and it is thought that this authority will be of great assistance in enforcing the rules, and that it will strengthen any cases which it will be necessary to bring or defend before the courts.

Section 2 of the old act is not altered.

Section 3: Generally considered, this section is more a matter of detail than of actual change. The original section 3 provides rules and regulations for the suppression of disease by the Secretary of Agriculture. As amended, the section defines the character and objects to be covered by these rules in detail. These details are similar to the rules now in existence prepared under the original act creating the bureau, and a copy of these rules is herewith inclosed for inspection. It is deemed very important that the organic act should contain a more definite statement as to the character of the regulations to be made instead of the very general authority conferred by the original act.

The amended section, like the original section, provides for the certification of these rules to the various authorities of the States for their acquiescence and co operation. There is, however, a provision in the amended section made to cover those cases in which a State refuses or neglects to co-operate with the Department in the extermination of a disease existing within its borders, which is dangerous to interstate commerce. This provision is, that the Secretary of Agriculture, for the

purpose of preventing the spread of this disease beyond the borders of the State, may prohibit the transportation of animals out of or into such State. It would seem that this is only a wise and proper safeguard to enact for the protection of our cattle industry and entirely within the authority of the Congress under the interstate commerce clause of the Constitution.

In deference to that proper spirit of conservatism in which the act was originally drawn, the provision for State co-operation and State acquiescence has been continued in this section. There is, however, a provision similar to that of the current appropriation act which allows the purchase of animals for the eradication of disease in States where the executive authorities do not co-operate, providing this can be done with the consent of the owner. This provision is considered of the utmost importance, especially in cases of emergency, in States where the legislatures have not given the executive officers authority to co-operate for this purpose.

Section 4 is merely amended by striking out the provision that requires the Secretary of Agriculture to report the result of his investigations to the Secretary of the Treasury, and section 5 is merely amended so as to give the Secretary of Agriculture authority to prevent the exportation of cattle affected with any contagious disease instead of leaving it with the Secretary of the Treasury. It is believed that intelligent, prompt, and efficient action can only be obtained by uniting the investigations and the entire control of animal diseases under the same executive department.

Section 6 prohibits the transportation by any person, knowingly, of any animal affected with a contagious disease from one State or Territory into another. The defect of this provision is that it is impossible to establish the fact of any guilty knowledge of an animal being diseased against the persons offending, and for that reason conviction can not be obtained. There is an equally serious defect in limiting the penalty to the transportation of animals affected with pleuro-pneumonia and not including those which have been simply exposed. It is well known that in pleuro-pneumonia exposed animals do not give or show any signs of disease for from two weeks to six months after exposure, and that during this period the animal gives off the germs of the disease and infects other cattle and premises; consequently the transportation of an exposed animal is as dangerous to commerce as one that is diseased.

The amendment suggested prohibits the transportation of all animals of the kind diseased from a State or part of a State where such disease has been officially declared to exist to any other State or Territory. The official notification of the existence of disease is to be made by the Secretary of Agriculture in accordance with the provisions of section 7. As this is the only efficient way to prevent the spread of this disease, it is hoped that the committee will report favorably on

this amendment. If the Department can not control absolutely the movement of cattle in the infected area and prevent any cattle being shipped from that area except under such rules and regulations as it may provide, it can not successfully prevent the spread of the disease. Section 6 of the present act has proven of very little value and the Department has never attempted to proceed against anybody for violating its provisions, as it has always been impossible to secure evidence that would make conviction probable.

Section 7, as amended, is in accordance with the present section 7 of the act, the amendment offered, however, being made for the purpose of bringing it in harmony with the amended section 6.

Section 8 of the original bill remains, and no amendment has been suggested.

Section 9. The amendment provided here is for the transferring of any suit, civil or criminal, commenced in a State court against any officer of the bureau for the acts done by him in the performance of his official duty from said court to the circuit court of the United States. It is respectfully suggested that this is a wise provision and a necessary one. The bureau in the past has been put to much trouble and inconvenience by suits of this character, and feels that its officers should be tried in a court of the government under whose law it is acting, and that they should not be made liable to the prejudices which necessarily exist in any community where they are obliged to work, caused by the character and nature of the duties which they are called upon to perform.

Section 10 of the original act is an appropriation clause. In its place has been substituted a provision giving to the Secretary of Agriculture the authority to regulate the movement of cattle from one State into another, and to adopt such measures of quarantine as may be necessary to prevent the spread of disease from State to State or from foreign countries. The objects of this provision are to do away with the evil that has existed for some time, of proclamations of quarantine being made by a State against other States, and also to prevent the introduction of disease from other countries. Sometimes, without sufficient reason and upon mere rumors, the Governor of a State will issue a proclamation of quarantine against another State where it is said some contagious disease exists. It has often been done without any investigation, or without sufficient investigation as to whether it is true or not that such disease exists in the State quarantined against, and consequently great damage has resulted, which might have been prevented with more conservative action.

It is thought best that the National Government should regulate these quarantine measures. In addition, while these State quarantine measures do much damage because of the unnecessary restrictions, and cause great annoyance to cattle owners and cattle shippers, their effectiveness is very doubtful, and, should a contagious disease actually exist

in the prohibited territory, they would be an insufficient safeguard against its spread. As decided in the case of *R. R. Co. v. Husen*, reported in 5 Otto, page 465, a State can not prohibit the transportation of cattle from another State into or through its territory, and such transportation is a matter of interstate commerce and can only be regulated by the Congress of the United States. It is thought therefore that Congress should make provision for guarding in case of emergency the cattle interests of the country by providing authority in one of the executive departments to regulate the interstate and foreign commerce of cattle in case of disease, and that the Secretary of Agriculture should have the authority to make the necessary quarantine orders when it is shown to his satisfaction that the necessities of the case require them.

The above explains the changes which would be made by the amendments of the bill submitted to your committee for its report. In conclusion, I would call your attention to the fact that the Department has from year to year asked Congress for fuller powers to conduct the work of exterminating disease which Congress has given this Department. The stock owners of the country have from time to time made similar requests of Congress, and much stronger bills have had the popular approval, but have been defeated for the reason that they provided that the work be done by a commission, while Congress thought it would be better to have the work in charge of an executive department. This Department has been and is still from time to time criticised by the press of the country for the slowness with which the work has progressed both in the extermination of pleuro-pneumonia and in the investigation of animal diseases, but all has been done that was possible under existing law.

With this explanation of the changes proposed in the act establishing the Bureau of Animal Industry and the reasons therefor, I leave it to the wisdom of Congress to decide whether or not it is advisable to enact the proposed amendments.

Very respectfully,

J. M. RUSK,
Secretary.



